IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4034 of 2005

Between:

T.Bhanu Prasad, S/o.Venkata Rattaiah,
R/o.987, Vasanth Nagar, Kukatpally, Ranga Reddy District.

..... PETITIONER

AND

1 The Deputy Transport Commissioner & Secretary,

Regional Transport Authority, Ranga Reddy District at
Attapur.

2 The Motor Vehicle Inspector,

Regional Transport Authority (West, Zone) Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of a writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No.KA/02D-9975 seized under vehicle check report No.77805, dated 24-2-2005 by the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith and to pass such other order or orders as this Hon'ble court may be deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

It is the case of the petitioner that his vehicle bearing No.KA/02D-9975 was seized by the 2nd respondent vide Check Report No.777805, dated 24-02-2005, for violation of certain provisions of Motor Vehicles Act, 1988.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The learned counsel for the petitioner has contended that in spite of filing an application for grant of interim custody of the vehicle, the same has not been considered by the 1st respondent and therefore, he prays to grant interim custody of the vehicle.

On the other hand, the learned Government Pleader for Transport has opposed the same on the ground that the petitioner is liable to pay tax, and therefore, the interim custody of the vehicle cannot be given.

Whether the petitioner is liable to pay any tax or has violated any provisions of the Motor Vehicles Act or not, have to be decided by the competent authority after giving reasonable opportunity to the petitioner. Till then, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle.

In the circumstances, the writ petition is allowed directing the respondents to grant custody of the vehicle to the petitioner on the following terms and conditions:

a. *that the petitioner shall produce the vehicle as and when required by the*

competent authority.

b. *That the petitioner shall not alienate any part of the vehicle or transfer it to a third party.*

The petitioner is directed to pay the arrears of tax, if any, due as on today and the same shall have to be adjusted, in case the petitioner is found to pay tax by the competent authority in the enquiry. There shall be no order as to costs.

_____

02-03-2005

Note: Issue operative portion by wire at party's costs.

B/o.

vs

To

1 The Deputy Transport Commissioner & Secretary,

Regional Transport Authority, Ranga Reddy District at Attapur.

2 The Motor Vehicle Inspector,

Regional Transport Authority (West, Zone) Hyderabad.

3 2 CCs to the G.P for Transport, High Court of A.P.,

Hyderabad(O.U.T).

4 2 CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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Dated: 02-03-2005

vs